

ARTICLE 18.5-01

GENERAL ADMINISTRATION

Chapter
18.5-01-01 Organization of Board

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18.5-01-01-01. History.

1. The provisions of North Dakota Century Code chapter 6-09.10 were established in 1985, setting up a credit review board to deal with the matter of ever increasing farm foreclosures. The board was given authority to negotiate with lenders on behalf of farmers and to provide interest subsidies to eligible farmers for eligible purchases, refinancing, or redemptions of the farmer's home-quarter.
2. In 1987, North Dakota Century Code chapter 6-09.10 was amended to consolidate the negotiations undertaken by the board and the department of agriculture's farm credit counseling program. North Dakota Century Code sections 4-01-19.2 and 4-01-19.3 were repealed.
3. In 1987, North Dakota Century Code sections 6-09.10-08.1 through 6-09.10-08.6 were added to North Dakota Century Code chapter 6-09.10 to provide further assistance to financially distressed farmers and small businesses in the form of legal and tax assistance. Two hundred thousand dollars were appropriated to the board to provide such assistance under the administration and supervision of the commissioner of agriculture and the board.
4. In 1989, North Dakota Century Code chapter 6-09.10 was further amended. The farm credit counseling program was renamed the agricultural mediation service. The commissioner of agriculture was given additional authority to contract with mediators to mediate between a farmer and a farmer's creditors.

5. In 1991, North Dakota Century Code chapter 6-09.10 was amended, authorizing the agricultural mediation service to negotiate and resolve any farmer-related problems.
6. In 1993, North Dakota Century Code chapter 6-09.10 was amended to expand the number of members of the board and to increase its responsibilities to include recommending policies and procedures to the industrial commission and to the state board of vocational education, and to coordinate a farm management delivery system.
7. In 1995, North Dakota Century Code chapter 6-09.10 was amended to permit use of the home-quarter purchase fund for coordination and operation of a farm management delivery system.
8. In 1997, North Dakota Century Code chapter 6-09.10 was amended to transfer the coordination and operation of the farm management delivery system from the credit review board to the state board for vocational and technical education. North Dakota Century Code sections 6-09.10-08.1 through 6-09.10-08.6 were repealed.

History: Effective January 1, 1988; amended effective December 1, 1989; January 1, 1992; June 1, 1994; February 1, 1996; April 1, 1998.

General Authority: NDCC 28-32-02.1

Law Implemented: NDCC 28-32-02.1

18.5-01-01-01.1. Definitions.

1. The definitions as set forth in section 18.5-02-01-00.1 are applicable to this chapter.
2. "Board" means the credit review board.
3. "Home-quarter purchase fund" means the fund established at the Bank of North Dakota and includes interest earned on moneys in that fund.

History: Effective June 1, 1994; amended effective February 1, 1996; April 1, 1998.

General Authority: NDCC 6-09.10-09

Law Implemented: NDCC 6-09.10-02.1, 6-09.10-03

18.5-01-01-02. Coordination of farm assistance programs. The credit review board is charged with responsibility in providing assistance to eligible farmers and other persons pursuant to the provisions of North Dakota Century Code chapter 6-09.10.

1. The responsibilities and duties under North Dakota Century Code chapter 6-09.10 belonging solely to the board are as follows:
 - a. Adopting written policies governing negotiators, mediators, and staff of the agricultural mediation service including:

- (1) Approving interest rate buydowns as authorized by North Dakota Century Code sections 6-09.10-05, 6-09.10-07, and 6-09.10-08.
 - (2) Charging reasonable fees to farmers and other persons for any assistance provided pursuant to North Dakota Century Code chapter 6-09.10. Mediation fees must be twenty-five dollars per hour for the farmer and for each creditor of the farmer attending mediation meetings to whom the farmer owes ten thousand dollars or more. For noncredit-related disputes, parties must each be charged twenty-five dollars per hour for attending mediation meetings. The board may waive the payment of all or a portion of mediation fees for anyone that the administrator certifies is unable to pay such fees. Fees must be fifteen dollars per hour per farmer for providing negotiating assistance. However, no farmer may be charged for the first ten hours of negotiating assistance provided by a negotiator. The board may waive payment of all or a portion of the fees to be paid for providing negotiating assistance for any farmer that the administrator certifies is unable to pay such fees.
 - (3) Making all decisions on deferral, restructure, or waiver of payment, or other reasonable loan servicing options, for assistance provided under the provisions of North Dakota Century Code sections 6-09.10-05 and 6-09.10-08.4.
 - b. Recommending policies and procedures to the industrial commission regarding farm loan programs of the Bank of North Dakota.
 - c. Recommending policies for the adult farm management program to the state board of vocational education.
 - d. Participation in a farm management delivery system among the adult farm management program, agricultural mediation service, and North Dakota state university.
 - e. Adopting rules implementing any of the provisions of North Dakota Century Code chapter 6-09.10.
2. The responsibilities and duties belonging solely to the commissioner under North Dakota Century Code chapter 6-09.10 are as follows:
 - a. Establishing and administering the agricultural mediation service.
 - b. Appointing the administrator of the service.

- C. Hiring staff and hiring or contracting with mediators and negotiators to mediate between eligible farmers and other persons.

History: Effective January 1, 1988; amended effective December 1, 1989; January 1, 1992; June 1, 1994; February 1, 1996; April 1, 1998.

General Authority: NDCC 6-09.10-09, 28-32-02.1

Law Implemented: NDCC 6-09.10-02.1, 6-09.10-03, 6-09.10-05, 6-09.10-06, 6-09.10-07, 6-09.10-08, 6-09.10-08.1, 6-09.10-08.2, 6-09.10-08.3, 6-09.10-08.4, 6-09.10-08.5, 28-32-02.1

18.5-01-01-03. Board members. There are six members of the board. The governor, the attorney general, and the commissioner of agriculture shall each appoint two members to the board. One member shall serve as the chair, one as the vice chair, and one as the treasurer.

History: Effective January 1, 1988; amended effective January 1, 1992; June 1, 1994.

General Authority: NDCC 6-09.10-02, 28-32-02.1

Law Implemented: NDCC 28-32-02.1

18.5-01-01-04. Meetings. The board shall meet at the call of the chair.

History: Effective January 1, 1988; amended effective January 1, 1992.

General Authority: NDCC 6-09.10-09, 28-32-02.1

Law Implemented: NDCC 28-32-02.1

18.5-01-01-05. Inquiries.

1. Any inquiries concerning assistance to be provided by the agricultural mediation service through its negotiators and mediators should be addressed to:

Administrator
Agricultural Mediation Service
Department of Agriculture
State Capitol
600 East Boulevard Avenue
Bismarck, North Dakota 58505

2. Any inquiries concerning the board or laws administered by the board should be addressed to:

Chair
Credit Review Board
6th Floor, State Capitol
600 East Boulevard Avenue

History: Effective January 1, 1988; amended effective December 1, 1989; January 1, 1992; June 1, 1994; April 1, 1998.

General Authority: NDCC 28-32-02.1

Law Implemented: NDCC 28-32-02.1

18.5-01-01-06. Applicability of North Dakota Century Code chapter28-32. Repealed effective December 1, 1989.